

ACLU

Mississippi

CIVIL RIGHTS AND
HOMELESSNESS

AGENDA

Overview of laws (HB 1197 and
HB 1203)

Problems with these laws

Ways to challenge and defend

PDs and ACLU can work together

Q&A



HB 1197 – SAFE SOLICITATION ACT

HB 1197 – ANTI-SOLICITATION LAW

Covers all solicitation – asking for money as a donation or in exchange for goods

Legislative history shows the law was passed with panhandlers in mind

Requires a permit before you can solicit on “any road, street, highway median, traffic island or highway intersection” in the State.

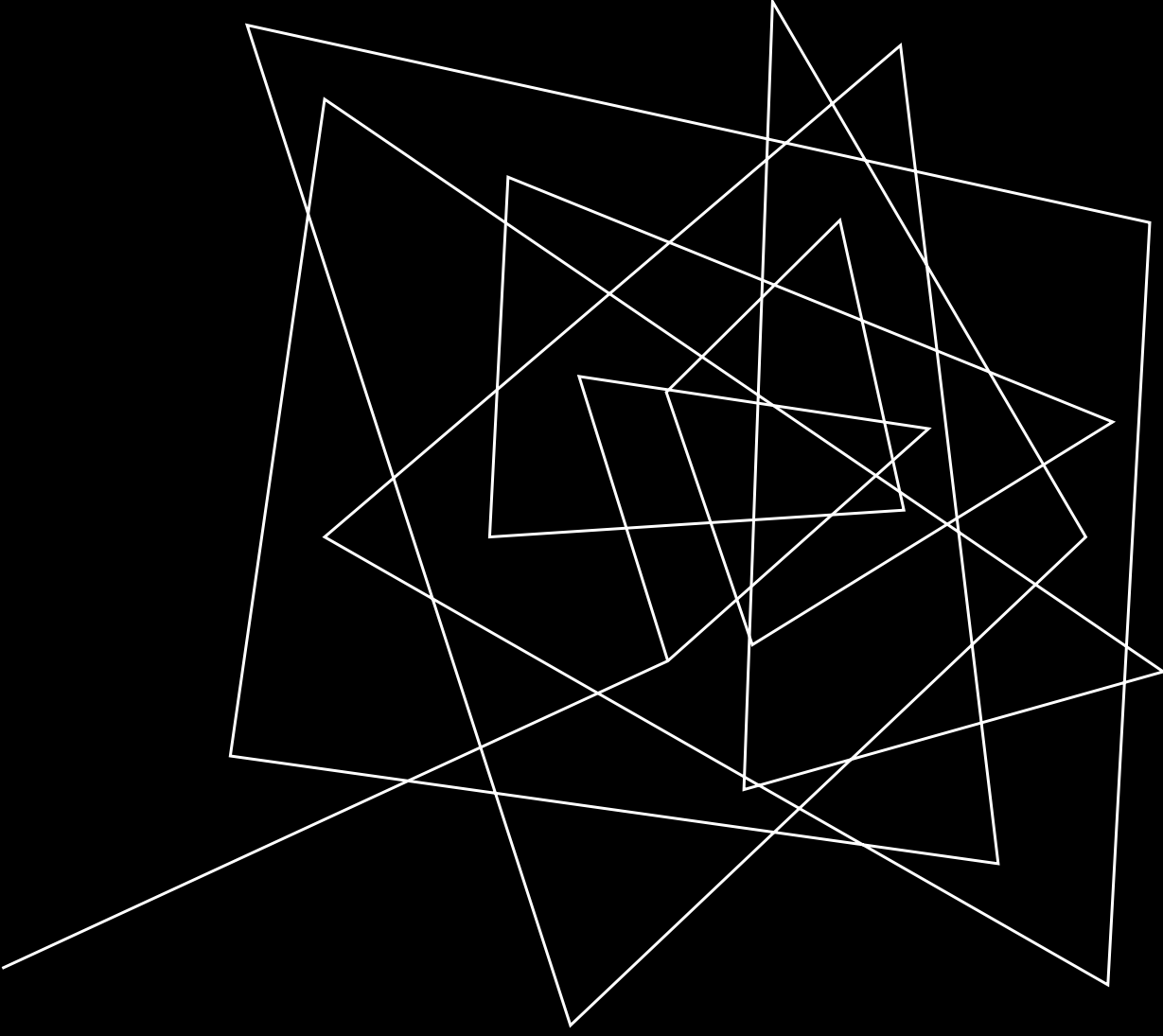
Permit costs up to \$25

Misdemeanor to solicit without a permit or in a way prohibited by HB 1197

- Cannot impede traffic
- Can only enter roadway when light is red
- Only during daylight hours

Only one permit per intersection per day

Cities and counties can opt out



HB 1203 – AN ACT
TO PROHIBIT
CAMPING ON
CERTAIN PUBLIC
PROPERTY



HB 1203 – AN ACT TO PROHIBIT CAMPING ON CERTAIN PUBLIC PROPERTY

Prohibits camping on public property unless it is designated for camping

People camping and their property can be removed

24 hours prior notice is required before property can be removed, except

- Items having no apparent utility or monetary value and items in an unsanitary condition may be discarded immediately.
- Weapons, drug paraphernalia, items appearing to be stolen, and evidence of a crime may be retained as evidence by the law enforcement agency of the governing authority upon which the property is located.

Courts can consider mitigating factors if someone is convicted for violating the law incl:

- Whether they immediately removed their property
- Meaningfully engaged in private resources or service providers
- Courts can consider alternate penalties intended to address why the person violated the law in the first place
- The alternate remedies are subject to available space in appropriate facility

PROBLEMS WITH THESE LAWS

- Evidence shows that criminalizing homeless does not solve homelessness
- Arresting, fining and jailing people for panhandling or camping in public can lead to a cycle of arrests, fines and jail
- People panhandling and camping are simply trying to live day to day in challenging circumstances

Property removal exceptions are ripe for abuse

Section 5:

(b) Items having no apparent utility or monetary value and items in an unsanitary condition may be discarded immediately.

(c) Weapons, drug paraphernalia, items appearing to be stolen, and evidence of a crime may be retained as evidence by the law enforcement agency of the governing authority upon which the property is located.

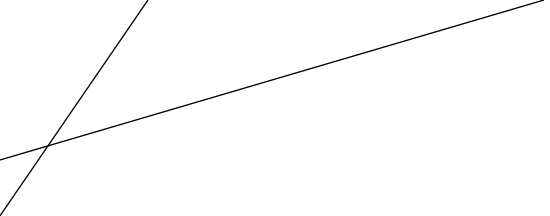
Alternate remedies: What if there are no “appropriate facilities”



CHALLENGES AND DEFENSES TO THE LAWS

HOW DEFENDERS AND ACLU CAN WORK TOGETHER

- Even if these are misdemeanors, these can lead to felony charges
- ACLU does impact litigation
- Identifying clients
- Identifying patterns
- Before someone can bring a civil rights claim, they have to resolve their criminal charges and do so favorably



QUESTIONS

THANK YOU

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2025 Fall OSPD & MPDA Public Defender Conference

Session Twelve:
Civil Rights and Homelessness

Friday, October 24, 2025

10:10-11:10 a.m.
Joshua Tom

